

FEDERAL RULES OF APPELLATE PROCEDURE

request by a party. The parts of the record so designated remain a part of the record on appeal.

(g) **Record for a Preliminary Motion in the Court of Appeals.** If, before the record is forwarded, a party makes any of the following motions in the court of appeals:

- for dismissal;
 - for release;
 - for a stay pending appeal;
 - for additional security on the bond on appeal or on a supersedeas bond; or
 - for any other intermediate order —
- the district clerk must send the court of appeals any parts of the record designated by any party.

Rule 12. Docketing the Appeal; Filing a Representation Statement; Filing the Record

- (a) **Docketing the Appeal.** Upon receiving the copy of the notice of appeal and the docket entries from the district clerk under Rule 3(d), the circuit clerk must docket the appeal under the title of the district-court action and must identify the appellant, adding the appellant's name if necessary.
- (b) **Filing a Representation Statement.** Unless the court of appeals designates another time, the attorney who filed the notice of appeal must, within 10 days after filing the notice, file a statement with the circuit clerk naming the parties that the attorney represents on appeal.
- (c) **Filing the Record, Partial Record, or Certificate.** Upon receiving the record, partial record, or district clerk's certificate as provided in Rule 11, the circuit clerk must file it and immediately notify all parties of the filing date.

FEDERAL CIRCUIT RULE

Rule 12. Docketing the Appeal

The clerk must notify all parties of the date the appeal is docketed.

Practice Notes

Date of Docketing. The date of docketing starts the time running for filing briefs. See Federal Circuit Rule 31(a).

Representation Statement. The requirements of Federal Rule of Appellate Procedure 12(b) are met by filing the entry of appearance and certificate of interest required under Federal Circuit Rules 47.3 and 47.4.

Official Caption; Participation in the Appeal by Appellees; Consolidation of Previously Consolidated Cases and Cross-Appeals. The clerk will provide the parties with the official caption in the case at the time of docketing. Any objection to the official caption should be made within 10 days of receipt. Parties included in the trial court title who have an adverse interest to the appellant but who are not cross-appealing will be deemed appellees. Parties permitted to intervene in the trial court as plaintiffs or defendants will be identified only as plaintiff or defendant to avoid confusion with any third party permitted to intervene in the appeal. An appellee desiring not to participate in the appeal must notify the clerk who will strike the party's designation as an appellee from the official caption. An appeal in a case that was consolidated in the trial court will be docketed under the title used for the consolidated case. When more than one party appeals from the same trial court case, the appeals or cross-appeals will be consolidated by the clerk. Other appeals may be consolidated on motion or by the court sua sponte.

Transferred Appeal. An appeal transferred from another court will be given a new docket number and will be consolidated by the clerk with any previously docketed appeal from the same judgment or order.

Filing and Docketing an Appeal. An appeal is docketed when the notice of appeal is received in, or, when permitted, mailed to the trial court. An appeal sent to this court by the trial court clerk is docketed when it is assigned a docket number, a docket card for the appeal is made available to the public, and the names of the parties to the appeal are recorded in the party index that is available to the public.